



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Numbers: 3015519
Applicant Name: Ann Farr for Seattle Art Museum
Addresses of Proposal: 2 Broad St

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Application to allow installation of 46-foot-tall steel structure “Echo” at Olympic Sculpture Park.

The following approvals are required:

Shoreline Substantial Development Application to allow development in the UH Shoreline Environment.

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

Proposal Description

The Seattle Art Museum proposes to install a new sculpture called “Echo” at the existing publicly-owned Olympic Sculpture Park, which is operated by the Seattle Art Museum as a free outdoor sculpture park. The installation is a stylized female head approximately 46 feet tall, which will be mounted on a steel frame and affixed to a concrete foundation and pile cap atop four (4) steel pipe piles (16-inch in diameter) to be driven to a depth of 47 feet to dense load bearing soils. No changes in existing uses or to existing public access are proposed.

The sculpture will be placed in the Sculpture Park approximately 20 feet landward of the existing seawall between the bike path and sidewalk west of the BNSF pedestrian bridge, as shown in more detail in submitted plans.

Public Comments

The official comment period for this project ended on November 1, 2013. No public comments were received.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposal is located within the UH (Urban Harborfront) Shoreline Environment as designated by the Seattle Shoreline Master Program (SSMP). The Shoreline Master Program, Chapter 23.60 of the Seattle Municipal Code, regulates use and development in the City's shoreline districts to implement the policy and provisions of the Shoreline Management Act of 1971 and the Shoreline Goals and Policies.

The SMC requires that a shoreline permit be obtained prior to the undertaking of any substantial development within a shoreline environment. SMC Section 23.60.030 includes criteria for evaluating a shoreline permit. A substantial development permit shall be issued only when the development proposed is consistent with:

- A. The policies and procedures of Chapter 90.58 RCW;
- B. The regulations of this Chapter; and
- C. The provisions of Chapter 173-27 WAC.

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

A. THE POLICIES AND PROCEDURES OF CHAPTER 90.58.RCW

The State of Washington Shoreline policies (RCW Chapter 90.58) provide for the control of pollution and prevention of damage to the natural environment, and to protect the resources and ecology of the shoreline over the long term. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. The Shoreline Management Act of 1971 provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle and other jurisdictions with shorelines adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60 that also incorporates the provisions of Chapter 173.27 WAC. Development on the shorelines of the State is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions.

The City of Seattle Shoreline policies incorporate these goals by reference and include area objectives pursuant to these goals. These policies contemplate protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

As discussed below, the City's Shoreline policies encourage public enjoyment of the City's shorelines. Thus, this proposal is consistent with the policies and procedures of the RCW Chapter 90.58.

B. THE REGULATIONS OF CHAPTER 23.60

The regulations of Section 23.60.064 SMC require that the proposed use: 1) conform to all applicable development standards of both the shoreline environment and underlying zoning; 2) be permitted in the shoreline environment and the underlying zoning district and 3) satisfy the criteria of shoreline variance, conditional use, and/or special use permits as may be required.

The proposed installation of this sculpture as an additional art amenity for the Olympic Sculpture Park is permitted outright as a shoreline recreation use in the Urban Harborfront (UH) Environment (SMC 23.60.660). Uses and development standards in the underlying Downtown Harborfront 1-45 zone are determined by the Seattle Shoreline Master Program (per SMC 23.49.300 and SMC 23.49.302).

SMC 23.60.004 - Shoreline Policies

Policies governing approval of development in shoreline districts are set out in the Land Use Element of the Seattle Comprehensive Plan and SMC Section 23.60.004. Seattle's Comprehensive Plan Shoreline Goals and Policies encourage public use of the shoreline areas and, per Land Use Goal (LUG) 44 to "provide for the optimum amount of public access—both physical and visual—to the shorelines of Seattle." LUG 58 encourages developments that "upgrade and/or beautify the public shorelines" and LUG 53 encourages the management of "publicly owned shorelines that are suitable for public recreation to optimize their potential." The proposed sculpture will enhance the functional and aesthetic qualities of the shoreline environment, which is consistent with LUG 47.

This proposed will provide for an enhancement to the existing, publicly accessible Olympic Sculpture Par and is therefore consistent with adopted Comprehensive Plan policies.

Shoreline Development Standards

The proposed project is located in the UH Shoreline Environment. Pursuant to the Seattle Shoreline Master Plan, the proposed action is subject to:

1. the general development standards (SMC 23.60.152); and
2. the development standards for uses in the UH environment (SMC 23.60.690 through 23.60.704).

1. SMC 23.60.152 - General Development Standards for all Shoreline Environments

General standards for all uses and development in all shoreline environments are established in SMC Section 23.60.152. Generally, these standards require that all shoreline activity be designed, constructed, and operated in an environmentally sound manner consistent with the Shoreline Master Program and with best management practices for the specific use or activity, in order to have minimal impact on the shoreline environment. The following general development standards are relevant to the proposed project:

- A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.

- G. All shoreline developments and uses shall control erosion during project construction and operation.
- H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.
- J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.
- K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.
- L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.
- N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.

As proposed and as conditioned **Error! Reference source not found.**, the project complies with the above shoreline development standards. As conditioned, the short term construction related activities should have minimal effects on migratory fish routes and shoreline habitat. Long term effects are minor and do not warrant further conditioning.

The City of Seattle Municipal Stormwater Code (Ordinance 123105) places considerable emphasis on improving water quality. In conjunction with this effort DPD developed a Director's Rule, [2000-16](#), to apply best management practices (BMPs) to prevent erosion and sedimentation from leaving construction sites or where construction will impact receiving waters. Due to the extent of the proposed earthwork associated with the pile driving and foundation installation for this project, the potential exists for impacts to Elliott Bay from erosion or sedimentation during construction. Therefore, approval of the substantial development permit will be conditioned to require application of construction best management practices (BMPs).

2. SMC 23.60.690 through 23.60.704 - Development Standards in the UH Environment

As noted above, the proposed project is permitted outright as a shoreline recreation use in the UH Shoreline environment (SMC 23.60.660).

Development standards in the UH Shoreline Environment regulate structure height, lot coverage, side setbacks, view corridors, moorage requirements, regulated public access, and historic character review. The project's proposed height of 46 feet was found to be consistent with the height exception in SMC 23.60.692 C. The project meets all applicable development standards.

Chapter 173-27 WAC sets forth permit requirements for development in shoreline environments, and gives the authority for administering the permit system to local governments. The State acts in a review capacity. The Seattle Municipal Code Section 23.60 (Shoreline Development) and the RCW 90.58 incorporates the policies of the WAC by reference. These policies have been addressed in the foregoing analysis and have fulfilled the intent of WAC 173-27.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposed shoreline substantial development permit for the proposed sculpture at the Olympic Sculpture Park is **CONDITIONALLY GRANTED.**

Shoreline Substantial Development conditions are listed below.

CONDITIONS – SHORELINE

During Construction:

The owner(s) and/or responsible party(ies) shall take care to prevent debris from entering the water during construction and to remove debris promptly if it does enter the water. Materials and construction methods shall be used which prevent toxic materials, petrochemicals and other pollutants from entering surface water during and after construction.

Signature: (signature on file) Date: December 12, 2013
Ben Perkowski, Senior Land Use Planner
Department of Planning and Development